

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KEVIN ADLER,

Plaintiff,

-against-

SPI SOLAR, INC., SOLAR POWER, INC.,  
STEVEN KIRCHER, AMY LIU, and JOHN DOE  
1-3 being fictitious designations for three  
defendants who have not yet been identified,

Defendants.

Case No. 1:16-CV-1635 (LTS) (GWG)

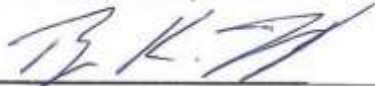
**NOTICE OF PLAINTIFF'S MOTION  
TO ATTACH PROPERTY TO SECURE  
SATISFACTION OF POTENTIAL JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompanying Affidavits of Kevin Adler, the exhibits thereto, the Memorandum of Law in Support of Plaintiff's Motion, the Complaint, Answer and all pleadings had herein, Plaintiff shall move this Court, on November 16, 2017 or as soon thereafter as we may be heard, before the Honorable Laura Taylor Swain, J.D.C., at the United States Courthouse, 500 Pearl Street, New York, N.Y., for an Order pursuant to Rule 64 of the Federal Rules of Civil Procedure granting Plaintiff pre-judgment attachment of the SPI Hawaii solar project as the last known major asset remaining in the U.S. which with a judgment may be satisfied; or alternatively, to permit such sale in a transaction under an order that requires escrow at closing of sufficient funds with Plaintiff's attorney or the Court to satisfy Plaintiff's demand in this action, \$5,000,000.00, and such other and further relief as requested and as the Court deems just and proper in the above-captioned case.

R.O.P. A(2)(b) Certification: Movant certifies that movant has used his best efforts to resolve informally the matters raised in its submission. Such efforts included telephone message requests for conversation, email, and a pre-motion letter filed before the Magistrate none of which were responded to by defense counsel.

Dated: New York, New York  
October 27, 2017

Marion & Allen, P.C.



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